

# The Gazette of India

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### HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 28th August, 1953:—

BILL No. 45 OF 1952

*A Bill further to amend the Code of Criminal Procedure, 1898.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 19 .

**2. Amendment of section 496, Act V of 1898.**—In section 496 of the Code of Criminal Procedure, 1898 (V of 1898), (hereinafter referred to as the said Code)—

(i) for the words “other than a person accused of a non-bailable offence” the words “is accused, complained or suspected of any bailable offence or” shall be substituted; and

(ii) after the words “before a Court” the words “as being accused, complained or suspected of any such offence” shall be inserted.

**3. Amendment of section 497, Act V of 1898.**—In sub-section (1) of section 497 of the said Code—

(i) for the words “accused of any non-bailable offence” the words “is accused, complained or suspected of any non-bailable offence or” shall be substituted; and

(ii) after the words “before a Court” the words “as being accused, complained or suspected of any such offence” shall be inserted.

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### STATEMENT OF OBJECTS AND REASONS

The Bill seeks to set at rest the doubt expressed by many courts that unless the accused is apprehended or surrenders his person he cannot be released on bail in accordance with the provisions of sections 496 and 497 of the Criminal Procedure Code. Many accused persons abscond for fear

of police apprehension and would gladly stand a trial and vindicate themselves before a court of law if they were assured that they would not be unnecessarily remanded to Police custody. When it is remembered that a very large percentage of persons prosecuted is discharged or acquitted by courts and malicious prosecutions and false implications by enemies in bailable and non-bailable offences are not rare the need of a change in the Law or to get the doubt at rest in this regard becomes imperatively necessary. This Bill if enacted will enable the accused to seek bail from courts even before they surrender themselves and in proper cases the courts will be able to save the honour and reputation of innocent accused and offer them protection from the trouble and indignity of police custody.

2. At present even if the accused is lying ill in hospital and is unable to attend personally he cannot apply for bail according to the interpretation of the law by the courts.

In a free country practical immunity from avoidable injury to reputation, honour and freedom from unnecessary restraint and harassment constitute the very basis of fundamental rights of the citizen and the Bill is designed to safeguard them by investing the courts with necessary powers to give relief wherever necessary or justifiable. The courts are armed by law in matters of bail and no change is sought to be introduced in the basic principles which regulate the exercise of the powers to grant or refuse or cancel bail whenever expedient or necessary. The change is only in respect of persons who can invoke the aid of courts to save themselves from rigidity of the system which practically enjoins police custody before the application of bail is disposed of on merits.

THAKUR DAS BHARGAVA.

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M. N. KAUL,  
*Secretary.*